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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) INFN/MB0061	
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		First Named Inventor <b>KLAUS GOLLER</b>	
		Art Unit <b>2811</b>	Examiner <b>Ahmed N. Sefer</b>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,227</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number _____		<u>[Signature]</u> Signature  <u>Gero G. McClellan</u> Typed or printed name  <u>713-623-4844</u> Telephone number  <u>November 30, 2005</u> Date	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

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PATENT  
MB&P Ref. No. : I 3527-RO/SEI  
Atty. Dkt. No. INFN/MB0061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
**KLAUS GOLLER**

Serial No.: 10/789,384

**Confirmation No.: 4918**

**Filed: February 27, 2004**

**For: MAKING CONTACT WITH THE  
EMITTER CONTACT OF A  
SEMICONDUCTOR**

www.pearsoned.com

Group Art Unit: 2811

**Examiner:** Ahmed N. Sefer

**MAIL STOP AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**Dear Sir:**

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8390 to the attention of Examiner Ahmed N. Sefer, on the date shown below.

November 30, 2005  
Date

**Gero G. McClellan**

## REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

In conjunction with the Notice of Appeal filed herewith, Applicant requests a Panel review of the Final Rejection in this matter. Although the remarks herein are focused on specific issues raised by the rejection, nothing in this paper is meant to limit the scope of any arguments, either factual or legal, that Applicant may later present in a full appeal brief.

## QUESTIONS FOR REVIEW

Applicant requests a pre-appeal brief conference review to address the Examiner's omissions of essential elements needed for a prima facie rejection. In a Final Office Action dated June 30, 2005, the Examiner premises a first 102(b) rejection

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based on US Patent No. 5,705,407 issued to *Dunn et al.* (hereinafter "*Dunn*") and a second 102(b) rejection based on US Patent Application Publication No. 2001/0005059 *Koyanagi et al.* (hereinafter "*Koyanagi*"). Applicant respectfully submits that the Examiner has failed to properly establish the essential elements needed for a *prima facie* rejection since the references cited by the Examiner do not teach all of the limitations recited in the claims.

## REMARKS

### Rejection based on *Dunn*

Referencing Fig. 5 of *Dunn*, the Examiner identifies a "P+ region 33 formed within a base diffusion region 31" as a first contact, a "polysilicon layer 39" as a second contact, a "base silicide 45 disposed on top of the p+ region 33" as a first conductor and an "emitter silicide 47" as a second conductor. However, with the components as identified by the Examiner, *Dunn* does not disclose that "the first conductor is electrically connected to another second conductor in the second patterned metal plane which is disposed above the first conductor in the substrate-normal direction" as recited in the claims. Since no emitter silicide 47 is disposed directly above the base silicide 45, the base silicide 45 (cited by Examiner as "first conductor 45") does not connect to another emitter silicide 47 (cited by Examiner as "second conductor 47") which is disposed above the first conductor in the substrate-normal direction. Therefore, the Examiner clearly failed to establish that *Dunn* discloses that "the first conductor is electrically connected to another second conductor in the second patterned metal plane which is disposed above the first conductor in the substrate-normal direction" as recited in the claims.

Furthermore, as disclosed in *Dunn*, Col. 6, lines 39-48, the base silicide 45 and the emitter silicide 47 are both formed from the same titanium silicide layer. Thus, the base silicide 45 and the emitter silicide 47 are not conductors in respective first and second metal planes (i.e., different metal layers) as recited in the claims.

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Therefore, *Dunn* does not disclose "each and every element as set forth in the claim" as required for a *prima facie* rejection. Applicant respectfully submits that the Examiner has failed to properly establish the essential elements needed for a *prima facie* rejection. Thus, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Rejection based on *Koyanagi*

Referencing Fig. 2 of *Koyanagi*, the Examiner identifies a "source 26" of a field effect transistor as a first contact, a "gate 24" of a field effect transistor as a second contact, a "aluminum wiring 34" as a first conductor and a "micro-bump 42B" as a second conductor. However, with the components as identified by the Examiner, *Koyanagi* does not disclose that "the second contact is electrically connected to the second conductor without an intermediate connection to any conductor of the first metal plane" as recited in the claims. As disclosed in *Koyanagi*, paragraph [0059], the aluminum wiring 34 is formed from an aluminum film which is formed by sputtering over the substrate 31. Clearly, the aluminum wiring 34 formed from the aluminum film is shown with the same hatching in Figure 2 of *Koyanagi*. Thus, the connection between the second conductor (i.e., micro-bump 42B) and the second contact (i.e., the gate contact 24) is a first conductor, i.e., an aluminum wiring 34 made from the same layer (aluminum film). Therefore, the Examiner clearly failed to establish that *Koyanagi* discloses that "the second contact is electrically connected to the second conductor without an intermediate connection to any conductor of the first metal plane" as recited in the claims.

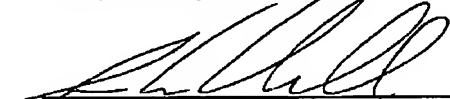
Therefore, *Koyanagi* does not disclose "each and every element as set forth in the claim" as required for a *prima facie* rejection. Applicant respectfully submits that the Examiner has failed to properly establish the essential elements needed for a *prima facie* rejection. Thus, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

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Conclusion

Applicant believes that the foregoing discussion demonstrates the patentability of the present claims over the cited references. Accordingly, Applicant requests that the Panel vacate the rejections and remand the matter to the Examiner with instructions to allow the present claims.

Respectfully submitted,



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